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August 18, 2010

VIA ELECTRONIC FILING

Honorable Dennis M. Cavanaugh, U.S.D.J.

United States District Court

U.S. P.O and Courthouse, Room 451

Federal Square

P.O. Box 99

Newark, NJ 07101-0999

Re: *Eli Lilly and Company v. Actavis Elizabeth LLC et al.*,  
Civil Action No. 07-3770 (DMC)(MF) (D.N.J.)

Dear Judge Cavanaugh,

We, along with our co-counsel Alston & Bird LLP, represent defendant Mylan Pharmaceuticals Inc. ("Mylan") in the above matter. We write with respect to the status of various papers that have been recently filed by Mylan, Plaintiff Eli Lilly & Company ("Lilly") and other parties to this action. We seek the Court's indulgence in writing to the Court because, as indicated in the recent papers of the parties, the pending issues regarding entry of final judgment and Lilly's application for a TRO and other injunctive relief raise important and time-sensitive issues.

Specifically, pending before the Court is Lilly's Motion for (1) Deferral of Entry of Judgment or for an Order to Show Cause with Temporary Restraints and (2) a Temporary Injunction (D.E. 661, 662), for which Mylan has submitted its Opposition papers (D.E. 667). Also, before the Court are the parties' related applications regarding entry of final judgment (D.E. 658, 660, 664, 665, 666, 670). We respectfully request that, given the amount of paper presently before Court and in light of the urgent nature of these issues, that the Court accept all of the papers at this stage without the need for Lilly to file any Reply papers in support of its TRO Motion.

Alternatively, Mylan respectfully requests that, should the Court accept Reply papers by Lilly, the Court direct Lilly to submit such papers *instanter*, permitting the Court to move forward in resolving these important issues concerning entry of final judgment. As the Court is aware, Mylan did not await the full time period set by the Local Rules for submitting its Opposition papers, but filed them promptly upon Lilly filing its Motion papers.

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We trust that the Court understands Mylan's concerns regarding the urgency of these issues which has compelled Mylan to communicate with the Court at this time. Indeed, Lilly's filing of various oppositions to Mylan's request for immediate entry of judgment and its indication that it will file Reply papers in support of its application for an injunction (*see* D.E. 670 at 3) have resulted in delay and is, effectively, a *de facto* restraint on Mylan's ability to receive final FDA approval of its ANDA—the very outcome Lilly requests in its Motion papers, but without Lilly demonstrating the necessary elements of proof for injunctive relief.

We thank the Court in advance for its understanding and continued assistance in this matter.

Respectfully submitted,

A handwritten signature in black ink, reading "Arnold B. Calmann". The signature is written in a cursive, flowing style. Below the signature, the name "Arnold B. Calmann" is printed in a standard serif font.

cc: All Counsel of Record (via email)